

FILED  
OCT 13 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RICHARD DEHEN,

Plaintiff,

CV 10-211-PK

OPINION AND ORDER

CREDIT TEAM USA, INC., an Oregon  
Corporation, RONALD BENNETT, and  
AMERICAN CONTRACTORS INDEMNITY  
COMPANY,

Defendants.

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PAPAK, Judge:

Plaintiff Richard Dehen pursues claims against defendants Credit Team USA, Inc. ("Credit Team"), Ronald Bennett, and American Contractors Indemnity Company ("American Contractors") for violations of the Credit Repair Organizations Act, 15 U.S.C. § 1679, for violations of the Or. Rev. Stat. §§ 646.605, 124.100, 646A.250, and for common law

misrepresentation arising out Credit Team's agreements with Dehen to help him reduce his mortgage payments and improve his credit. Dehen alleges that Bennett is both an employee and owner of Credit Team, while American Contractors is Credit Team's insurer. Now before the court is a motion (#33) by Bryan Murphy to withdraw as attorney for defendants Credit Team, Bennett, and American Contractors. I grant the motion for the reasons discussed below.

### DISCUSSION

Attorney Murphy seeks to withdraw under Local Rule 83-11, providing that "[a]n attorney may withdraw as counsel of record only with leave of Court . . . ." L.R. 83-11(a). Bennett does not oppose attorney Murphy's motion to withdraw, so long as Murphy refunds Bennett the majority of the retainer Bennett paid Murphy for this representation. While opposition to an attorney's motion to withdraw is not the proper vehicle for disputing attorney fees, Bennett may initiate a separate legal action against Murphy seeking refund of his retainer if he desires. Thus, I grant Murphy's motion to withdraw without requiring Murphy to return any portion of Bennett's retainer.

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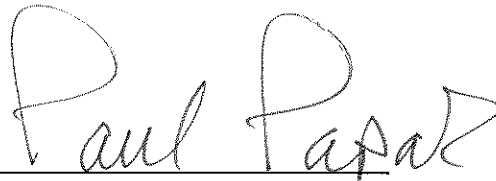
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### CONCLUSION

For the foregoing reasons, Brian Murphy's motion to withdraw as attorney for defendants Credit Team USA, Inc., Ronald Bennett, and American Contractors Indemnity Company (#33) is granted. Further, Bennett must advise this court within 20 days regarding: (1) whether he will secure other counsel or proceed pro se, and (2) who will represent defendants Credit Team USA, Inc., and American Contractors Indemnity Company.

Dated this 12<sup>th</sup> day of October, 2010.

A handwritten signature in black ink that reads "Paul Papak". The signature is written in a cursive, flowing style. The first name "Paul" is written with a large, looped 'P', and the last name "Papak" is written with a large, looped 'P' and a trailing flourish.

Honorable Paul Papak  
United States Magistrate Judge